

UNITED STATES DISTRICT COURT

for

District of Guam

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Donald C. Aldan Case Number: MJ 05-00009-001

Name of Sentencing Judicial Officer: Joaquin V.E. Manibusan Jr.

Date of Original Sentence: May 18, 2006

Original Offense: Theft of Property in violation of 18 U.S.C. § 641.

Original Sentence: Two months imprisonment followed by a one year term of supervised release with conditions to include: not unlawfully possess a controlled substance, and shall refrain from any unlawful use of a controlled substance, and shall submit to up to eight drug tests a month for use of a controlled substance, comply with the standard conditions of supervision; refrain from the use of all alcoholic beverages; participate in a program approved by the U.S. Probation Office for substance abuse, which may include testing to determine whether the defendant has reverted to the use of drugs or alcohol and make co-payment at rate to be determined by the U.S. Probation Office. Defendant was also ordered to perform 250 hours of community service under the direction of the U.S. Probation Office, and pay a \$25 special assessment fee.

Type of Supervision: Supervised Release Date Supervision Commenced: July 14, 2006

Assistant U.S. Attorney: Ryan Anderson Defense Attorney: John Gorman, FPD

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	Unlawful use of a controlled substance, in violation of 18 U.S.C. §3583(d).
2.	Failure to report for substance abuse counseling, in violation of 18 U.S.C. §3583(d).
3.	Failure to report for urinalysis, in violation of 18 U.S.C. §3583(d).

U.S. Probation Officer Recommendation:

- ☒ The term of supervision should be
 ☒ revoked.
 ☐ extended _____ years, for a total term of _____ years.
- ☐ The conditions of supervision should be modified as follows:

***Please see attached Declaration in Support of Petition; re: Violation of Supervised Release,
Request for a Summons written by U.S. Probation Officer Grace D. Flores.***

Reviewed by:

I declare under penalty of perjury
that the foregoing is true and
correct.



/s/ ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader



/s/ GRACE D. FLORES
U.S. Probation Officer

Date: May 18, 2007

Executed on: May 18, 2007

THE COURT ORDERS:

- ☐ No action.
- ☐ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other

VIOLATION WORKSHEET

1. Defendant **Donald C. Aldan**

2. Docket Number (Year-Sequence-Defendant No.) **MJ 05-00009-001**

3. District/Office 0993/1

4. Original Sentence Date 07 / 14 / 06
month day year

(If different than above):

5. Original District/Office _____

6. Original Docket Number (Year-Sequence-Defendant No.) _____

7. List each violation and determine the applicable grade (see §7B1.1(b))

<u>Violation(s)</u>	<u>Grade</u>
• Unlawful use of a controlled substance.	C
• Failure to report for substance abuse counseling.	C
• Failure to report for drug testing.	C
• _____	_____
• _____	_____
• _____	_____

8. Most Serious Grade of Violation (see §7B1.1(b)) C

9. Criminal History Category (see §7B1.4(a)) II

10. Range of Imprisonment (see §7B1.4(a)) 4-10 months

11. Sentencing Options for Grade B and C Violations Only (Check the appropriate box):

- ☒ (a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.
- ☐ (b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.
- ☐ (c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Mail documents to: United States Sentencing Commission, Federal Judiciary Building, One Columbus Circle, NE, Suite 2-500, South Lobby, Washington, D.C. 20002-8002.

Defendant: Donald C. Aldan

12. Unsatisfied Conditions of Original Sentence

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation (see §7B1.3(d)):

Restitution (\$)	<u>N/A</u>	Community Confinement	<u>N/A</u>
Fine (\$)	<u>N/A</u>	Home Detention	<u>N/A</u>
Other	<u>246 hours community service</u>	Intermittent Confinement	<u>N/A</u>

13. Supervised Release

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3 (see §§7B1.3(g)(1)).

Term: _____ to one years.

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment imposable upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment (see 18 U.S.C. §3583(e) and §7B1.3(g)(2)).

Period of supervised release to be served following release from imprisonment: 12 months

14. Departure

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

None.

15. Official Detention Adjustment (see §7B1.3(e)): 0 months 0 days

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAM**

UNITED STATES OF AMERICA,)	MAGISTRATE CASE NO. 05-00009-001
)	
Plaintiff,)	
)	DECLARATION IN SUPPORT OF PETITION
vs.)	
)	
DONALD C. ALDAN,)	
)	
Defendant.)	
_____)	

Re: Violation of Supervised Release, Request for a Summons

I, U.S. Probation Officer Grace D. Flores, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of supervised release for Donald C. Aldan, and in that capacity declare as follows:

On May 18, 2006, Donald C. Aldan was sentenced to two months imprisonment and one year supervised release for the offense of Theft of Property, in violation of 18 U.S.C. § 641. His term of supervised release began on July 14, 2006. Mr. Aldan is alleged to have committed the following, in violation of 18 U.S.C. §3583(d):

Violation #1 Standard Condition: *The defendant shall refrain from any unlawful use of a controlled substance.*

On March 6, 2006, Mr. Aldan tested presumptively positive for the use of methamphetamine. He signed an admission of drug use form indicating that he used “ice” on that date.

DECLARATION IN SUPPORT OF PETITION

Violation of Supervised Release, Request for a Summons

Re: ALDAN, Donald C.

USDC MJ Cs. No. 05-00009-001

May 18, 2007

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Violation #2 Special Condition: *Defendant shall participate in a substance abuse treatment program approved by the U.S. Probation Office for treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse.*

Mr. Aldan failed to show for his scheduled counseling session on May 5, 2007. Additionally, he failed to show for his scheduled urinalysis on March 5, 13, 19, 22, and 27, 2007, and April 5, 6, 9, 17, and 23, 25, 2007 and May 3, and 8, 2007.

Three home visits were conducted in an attempt to bring Mr. Aldan into compliance. On March 30, 2007, contact was made with his daughter and a message was left for him to report to the probation office. Mr. Aldan failed to report. On April 13, 2007, although no contact was made, an appointment slip was left for Mr. Aldan requesting that he report to the probation office on April 16, 2007 at 9:00 a.m. A note was also written on the appointment slip encouraging him not to give up, and to report to the probation office so we would work things out. He failed to report. On April 26, 2007, during the last home visit, contact was made with Mr. Aldan's common law wife. We discussed his case and she stated that she would have him report to the following day at 9:30 a.m. Mr. Aldan did not show as scheduled.

Mr. Aldan reported on May 16, 2007 and indicated that he was ashamed to report because of his drug use. A drug test was taken and Mr. Aldan tested negative for the use of controlled substances.

Supervision compliance: On August 4, 2006, Mr. Aldan satisfied his \$25 special assessment fee. From July 14, 2006 through February 26, 2007, Mr. Aldan has tested negative for the use of controlled substances on 38 occasions.

Recommendation: This Probation Officer respectfully requests that the Court issue a Summons for Donald C. Aldan to appear at a hearing scheduled by the Court, and during that hearing, he be held to answer or show cause why his term of supervised release should not be modified or revoked pursuant to 18 U.S.C. § 3583.

DECLARATION IN SUPPORT OF PETITION
Violation of Supervised Release, Request for a Summons
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Executed this 18th day of May 2007, at Hagatna, Guam, in conformance with the provisions of 28 U.S.C. § 1746.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

Respectfully submitted,

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By



/s/ GRACE D. FLORES
U.S. Probation Officer

Reviewed by:



/s/ ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Ryan Anderson, SAUSA
John Gorman, FPD
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